

Notice of Allowability

Application No.

09/876,351

Examiner

Peter Poltorak

Applicant(s)

JOSEPH ET AL.

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's amendment filed on 1/12/07.
2. ☒ The allowed claim(s) is/are 1, 7, 8 and 10-18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


KAMBIZ ZAND
PRIMARY EXAMINER

DETAILED ACTION

1. This Office Action is in response to Applicant's amendment filed on 1/12/07.

Examiner's Statement of Reasons for Allowance

2. Claims 1, 7-8 and 10-18 are allowed.

The following is a statement of reasons for the indication of allowable subject matter.

3. Applicant invention is directed towards a system and a method for establishing a secure transmission channel from a user process running on a first partition of a first node partitioned into a plurality of partitions including the first partition, each partition having a corresponding operating system instance such that each partition is a separate virtual computer running on the first node, to a user process running on a second partition of a second node partitioned into a plurality of partitions including the second partition, each partition having a corresponding operating system instance such that each partition is a separate virtual computer running on the second node, the method comprising: sending a key, identification of the first partition of the first node, and identification of the second partition of the second node from hardware of the first node to hardware of the second node, such that the key is inaccessible by all user processes running on the first node, in that none of the user processes are able to access the key, and unauthorized processes running on the first node are unable to send unauthorized messages through the hardware of the first node; receiving the key, identification of the first partition of the first node, and identification of the second partition of the second node by the hardware of the

second node; verifying the identification of the first partition of the first node and the identification of the second partition of the second node by the hardware of the second node; and, storing the key at the hardware of the second node, such that the key is inaccessible by all user processes running on the second node, in that none of the user processes are able to access the key, wherein the hardware of the first hardware and the hardware of the second node establish a channel over which the user process running on the first partition of the first node and the user process running on the second partition of the second node are able to communicate.

4. Applicant Admitted Prior Art (AAPA) discloses user processes running on a first partition of a first node partitioned into a plurality of partitions including the first partition, each partition having a corresponding operating system instance such that each partition is a separate virtual computer running on the first node, to a user process running on a second partition of a second node partitioned into a plurality of partitions including the second partition, each partition having a corresponding operating system instance such that each partition is a separate virtual computer running on the second node and Pfleeger provides missing elements of the above recited applicant's invention structure.
5. However, neither AAPA nor Pfleeger disclose that the recited above architecture is implemented in the environment wherein the first and the second nodes are the same node, as required by the independent claims 1, 11 and 15.
6. The prior art, fails to anticipate or fairly suggest the limitation of applicant's independent claims, in such a manner that a rejection under 35 U.S.C. 102 or 103

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would be proper. As a result the claimed invention is considered to be in condition for allowance as being novel and non-obvious over prior art.

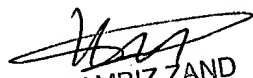
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on statement of Reasons for Allowance".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571) 272-3840. The examiner can normally be reached from Monday through Thursday from 9:00 until 5:00, and every other Friday from 9:00 until 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-1600.



1/25/06


KAMBIZ ZAND
PRIMARY EXAMINER